

ANDERSON KILL P.C.

Cort T. Malone, Esq.
Mark D. Silverschotz, Esq.
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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD JULY 1, 2018 THROUGH JULY 31, 2019**

Anderson Kill P.C., ordinary course insurance counsel to the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), submits this fee statement for the period July 1, 2019 through July 31, 2019 (the “**Fifth Fee Statement**”)² pursuant to the Court’s *Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated November 1, 2018 [Docket No. 242] and *Amended Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated February 28, 2019 [Docket No. 496] (the “**Orders**”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill previously has billed the Debtors and been paid as ordinary course counsel pursuant to this Court’s Orders [Docket Nos. 242 and 496] for the period from September 7, 2018 through May 31, 2019.

Pursuant to the Orders and this Court's *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained By Order of this Court*, dated December 18, 2018 [Docket No. 345], responses to the Fifth Fee Statement, if any, are due by August 29, 2019.

Dated: August 19, 2019

Respectfully submitted,

ANDERSON KILL P.C.

/s/ Cort T. Malone

Cort T. Malone, Esq.

Mark D. Silverschotz, Esq.

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New York, New York 10020

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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.¹

APPLICANT: Anderson Kill P.C.

CASE NO.: 18-27963 (MBK)

CLIENT: Chapter 11 Debtors

CHAPTER: 11

CASE FILED: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION UNDER
PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

**FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD JULY 1, 2019 THROUGH JULY 31, 2019**

**SECTION I
FEE SUMMARY**

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUS FEES REQUESTED	<u>\$267,070.00</u>	<u>\$785.73</u>
TOTAL FEES ALLOWED TO DATE	<u>\$267,070.00</u>	<u>\$785.73</u>
TOTAL RETAINER REMAINING	N/A	N/A
TOTAL HOLDBACK (IF APPLICABLE)	N/A	N/A
TOTAL RECEIVED BY ANDERSON KILL ²	<u>\$244,718.50</u>	<u>\$379.53</u>
 FEE TOTALS - PAGE 2	 <u>\$5,422.50</u>	
DISBURSEMENTS TOTALS - PAGE 3	<u>\$_____ 0</u>	
TOTAL FEE APPLICATION	<u>\$5,422.50</u>	

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Prior to the Petition Date, Anderson Kill was retained to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York. Anderson Kill was paid for all amounts owed for legal services rendered prior to the Petition Date and held no retainer thereafter for services and expenses incurred during these Chapter 11 Cases.

Name of Professional	Year Admitted	Title/Department	Hours	Rate	Fee
Mark D. Silverschotz	1981	Shareholder/Insurance	1.60	780.00	1248.00
Cort T. Malone	2003	Shareholder/Insurance	4.90	715.00	3503.50
Dennis J. Nolan	2007	Shareholder/Bankruptcy	1.10	610.00	671.00
Total Fees			7.60		\$5,422.50
Attorney Blended Rate				\$713.50	

SECTION II SUMMARY OF SERVICES

SERVICES RENDERED	HOURS	FEES
Opposition to Relief from Stay of Insurance Case	0	\$0
Drafting and Responding to Discovery	0	\$0
Drafting and Responding to Objections	3.70	\$2,634.00
Drafting and Editing Briefing and Submissions	3.70	\$2,645.50
Claims Evaluation and Related Motion Practice	0	\$0
Prepare, Attend and Argue at Court Hearings	0	\$0
Settlement Negotiations, Agreements and Mediation, including submissions	0.20	\$143.00
Insurance Case Work	0	\$0
Opposition to UST Appeal	0	\$0
SERVICE TOTALS	7.60	\$5,422.50

SECTION III SUMMARY OF DISBURSEMENTS

	AMOUNT
Lexis Nexis Legal Research	\$0
Travel Charge – Car Service Late Night Work	\$0
Filing/court fees	\$0
TOTAL DISBURSEMENTS	\$0

SECTION IV CASE HISTORY

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. §506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 1, 2018, effective as of September 7, 2018 [Docket No. 242].
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:

Anderson Kill is one of the Debtor's several Ordinary Course Counsel retained pursuant to the Orders. The firm's primary focus has been in connection with the insurance coverage litigation pending in New York State Supreme Court, Suffolk County, captioned *The North River Insurance Company v. Duro Dyne National Corporation, et al.*, Index No. 062947/2013. In connection with these Chapter 11 cases, however, the Debtor has called upon Anderson Kill to offer advice, draft and review pleadings, and otherwise become engaged at the confluence of insurance coverage and bankruptcy issues. Accordingly, given the manner in which the Chapter 11 Cases have experienced an extended tenure before the Bankruptcy Court, Anderson Kill's aggregate work product expanded beyond that which reasonably was anticipated at the commencement of the case, including:

- a) Anderson Kill reviewed and analyzed the insurance companies' requests for production of documents, participated in drafting and editing the responses to same and discovery requests to be served on the insurance companies;
- b) Anderson Kill attended to a stay relief motion, including briefing in support of stay relief strategy and preparing for and attending a hearing on the stay motion;
- c) Anderson Kill provided input regarding confirmation issues, including attendance at portions of the confirmation hearings;
- d) Anderson Kill prepared for, attended, and argued at other hearings, including the claims valuation hearing;
- e) Anderson Kill prepared for and participated in settlement negotiations, drafting and editing settlement agreements, and mediation submissions regarding North River's and other insurance company claims;
- f) Anderson Kill prepared for court hearings, including necessary research and preparation for oral arguments;

- g) Anderson Kill attended to various claims issues, including (i) the estimation and treatment of insurance company claims; and (ii) reviewing and analyzing North River Insurance Company's 3018 motion and preparing and filing an objection thereto; and
- h) Anderson Kill performed all other legal services for the Debtors that were necessary and proper in these proceedings and in furtherance of the Debtors' needs.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (100%)
- (B) SECURED CREDITORS: (100%)
- (C) PRIORITY CREDITORS: (100%)
- (D) GENERAL UNSECURED CREDITORS: (100%)

(6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: August 19, 2019

/s/ Cort T. Malone
Cort T. Malone, Esq.

EXHIBIT A

Professional services rendered by Anderson Kill P.C. from July 1, 2019 through July 31, 2019

Anderson Kill P.C.

1251 Avenue of the Americas, New York, New York 10020-1182
(212) 278-1000 EIN: 13-2743351
E-Mail: Accounting@andersonkill.com

Randy Hinden
(c/o Howard Gross - Weinberg, Gross &
Pergament, LLP)
Duro Dyne Corporation
81 Spence Street
Bay Shore, NY 11706
rhinden@durodyne.com

DATE: August 16, 2019
MATTER: 102620.DDC02
INVOICE: 292797

MATTER: INSURANCE

Cort T Malone

INVOICE SUMMARY

Professional Services:	5,422.50
Costs:	0.00
Total Current Invoice:	\$5,422.50
Outstanding Balance From Prior Invoices (See Listing):	22,757.70
TOTAL AMOUNT DUE:	<u>\$28,180.20</u>

Anderson Kill P.C.

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E-Mail: Accounting@andersonkill.com

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August 16, 2019

INVOICE:

292797

MATTER: INSURANCE**INVOICE LIST**

INVOICE	DATE	INVOICE TOTAL
292235	07/17/19	22,757.70
OUTSTANDING BALANCE FROM PRIOR INVOICES:		\$ <u>22,757.70</u>

Anderson Kill P.C.

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DURO DYNE CORP.

MATTER: 102620.DDC02

August 16, 2019

INVOICE: 292797

MATTER: INSURANCE

PROFESSIONAL SERVICES through 07/31/19

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
07/02/19	Follow up with LS re bankruptcy filing.	CTM	0.20
07/08/19	Exchanged voicemails with Tim G.	CTM	0.10
07/10/19	Emailed Gallagher requesting update.	CTM	0.10
07/16/19	Meet with RM re case issues, status of bankruptcy.	CTM	0.50
07/17/19	Drafting updated motion and fee statement for filing with bankruptcy court. Emails exchanged with LS re filing same.	CTM	1.90
07/19/19	Follow up with LS re filing.	CTM	0.30
07/24/19	Emails exchanged re report from bankruptcy counsel and impact on insurance issues.	CTM	0.40
07/24/19	Review of emails from J. Prol and C. Malone regarding status (.2); review of debtor's submission on proposed findings of facts (.8)	MDS	1.00
07/25/19	Follow up re case status with DN.	CTM	0.20
07/25/19	Review email and attachment from Jeff Prol re: strategy in light of findings of fact and conclusions of law and communications with Cort Malone re: same.	DJN	0.20
07/30/19	Follow up with LS re filing CNO.	CTM	0.20
07/31/19	Emails exchanged and review of North River's objection to Findings of Fact.	CTM	1.00
07/31/19	Review NorthRiver objection to findings of fact and conclusions of law.	DJN	0.90
07/31/19	Attention to North River objection to proposed findings of fact (.6)	MDS	0.60

TOTAL FEES: **5,422.50****FEE SUMMARY**

	RATE	HOURS	TOTALS
Cort T Malone	715.00	4.90	3,503.50
Dennis J. Nolan	610.00	1.10	671.00

Anderson Kill P.C.

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DURO DYNE CORP.

MATTER: 102620.DDC02

August 16, 2019

INVOICE: 292797

MATTER: INSURANCE

	RATE	HOURS	TOTALS
Mark D Silverschotz	780.00	1.60	1,248.00
TOTAL FEES:			5,422.50

TOTAL DUE: **\$5,422.50**

DURO DYNE CORP.

MATTER: 102620.DDC02

August 16, 2019

INVOICE: 292797

MATTER: INSURANCE**R E M I T T A N C E C O P Y**

Professional Services:	5,422.50
Costs:	0.00
Total Current Invoice:	<u>\$5,422.50</u>
Outstanding Balance From Prior Invoices:	<u>22,757.70</u>
TOTAL AMOUNT DUE:	<u>\$28,180.20</u>

PLEASE SEND YOUR REMITTANCE TO US AT:

Anderson Kill P.C.
1251 Avenue of the Americas,
New York, New York, 10020-1182

OR, IF MORE CONVENIENT, YOU MAY WIRE THE FUNDS TO:

BANK: WELLS FARGO BANK, N.A.
ABA NUMBER: 121000248
CREDIT TO: ANDERSON KILL P.C.
OPERATING ACCOUNT
ACCOUNT NUMBER: 2000037634722
INTERNATIONAL SWIFT CODE: WFBUS6S

KINDLY INDICATE:

CLIENT NUMBER: 102620
INVOICE NUMBER: 292797
YOUR FIRM NAME: DURO DYNE CORP.

THIS INVOICE IS PAYABLE UPON RECEIPT.

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE.